

ST. PETERSBURG CITY COUNCIL

Meeting of January 8, 2009

TO: The Honorable Chair, and Members of City Council

SUBJECT: Amendment to City Code Chapter 8 regarding building regulations

REQUEST: Conduct second reading and public hearing for the attached ordinance.

ANALYSIS:

The attached ordinance proposes a series of amendments to City Code Chapter 8 regarding building regulations, electrical, plumbing and mechanical regulations and also regulations regarding contractors and moving buildings. This Chapter was last amended in 2006; most of its provisions have been in place since 2001 or before. In addition to minor amendments to create internal consistency and clarify meaning, there are several key issues addressed in the ordinance:

* Create regulations for **Construction Site Maintenance** and Days and Hours of Operation for construction activity (pages 4 – 5): These are new regulations which address common issues on construction sites including erosion control, construction material storage and construction debris removal. This ordinance limits the days and times that exterior construction activity is allowed on property within 1000 feet of any residence.

* **Adopt the current Florida Building Code** with Administrative Amendments specific to St Petersburg (pages 6 – 12): After the Florida Legislature adopted the Florida Building Code in 2000, St Petersburg amended this Chapter in 2001, and since then the State Building Code Commission has been preparing an updated state code. This ordinance includes language on page 6 which will automatically adopt future Florida Building Code updates so future City Code amendments will not be needed for this purpose.

* Create regulations regarding **tents and temporary structures** (page 12): These are new regulations to specifically address tents and temporary structures of 120 square feet or larger. This provision allows property owners to retain small canopies without need for a building permit, and brings together permit regulations for tents larger than 120 square feet. The primary concerns in regulating tents are fire safety for assembly under large tents, and stabilizing the tent relative to wind loads.

These amendments have been discussed over the past year at routine meetings with construction industry representatives and the building official. General comments have been received expressing support for the construction site maintenance provisions.

RECOMMENDATION

Administration recommends Council CONDUCT the second reading and public hearing for this ordinance and APPROVE the ordinance.

Attachments: Ordinance amending City Code Chapter 8

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 8-1 THROUGH 8-182 AND 8-401 through 8-493 OF THE ST. PETERSBURG CITY CODE; PROVIDING FOR AMENDMENTS TO DEFINITIONS; PROVIDING FOR CONSTRUCTION SITE MAINTENANCE REQUIREMENTS; PROVIDING FOR HOURS AND DAYS OF OPERATION FOR CONSTRUCTION SITES; PROVIDING FOR AMENDMENTS TO THE FLORIDA BUILDING CODE AND UPDATING THE FLORIDA BUILDING CODE 2004 WITH AMENDMENTS; MODIFYING REQUIREMENTS FOR CONTRACTORS; AMENDING REQUIREMENTS FOR MOVING BUILDINGS; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN :

Section 1. Sections 8-1 through 8-182 of the St. Petersburg City Code are hereby amended to read as follows:

Chapter 8 BUILDINGS AND BUILDING REGULATIONS*

ARTICLE I. IN GENERAL

Sec. 8-1. Decals or other markings to be placed on glass doors.

- (a) It shall be unlawful for any person in charge of the construction of any building within the City to install or permit to be installed a glass door without first having placed on the glass door a decal or other marking of a sufficient size so as to be plainly visible to anyone approaching the door.
- (b) It shall be unlawful for any person to remove a decal placed on any glass door, as required by subsection (a) of this section, until after a certificate of occupancy has been issued for the building by the POD.
- (c) No certificate of occupancy shall be issued by the POD to any building having a glass door unless the door bears a decal or other marking as provided in subsection (a) of this section.

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Sec. 8-2. Mailboxes required.

All residential and commercial structures on any street within the City that are erected after January 1, 1968, shall have a mailbox attached to the exterior wall of the structure adjacent to the front door or a mail drop slot in the front door of the structure. Town homes, mobile home parks and multi-family structures may use a cluster box located in the main lobby or near the main entrance.

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Sec. 8-3. Building numbering.

All owners of structures, in the City on property abutting any street, alley or waterbody, are required to have at the time of certificate of occupancy and thereafter the structure identification number placed on all such affixed posts or structures with permanent, attached Arabic numbers in a contrasting color. Unless specifically provided otherwise herein, such numbers shall be a minimum of three (3) inches in height or larger size to be clearly identifiable from the alley, street or waterbody. All such numbers shall be placed either on the front of the structure facing the street, on permanent structures located in front of the structure, on the street side of walls or fences that preclude identification if placed upon the structure, on an affixed post in the front yard of a structure which numbers affixed on the post are clearly identifiable from alley or street or at other locations approved by the POD. If the structure was not displaying identification numbers or if the structure is under construction on September 5, 1991, the required numbers will be a minimum of four (4) inches in height. Lots adjoining an alley must have identification numbers on structures in the same manner as required for the street. Lots adjoining any waterbody must also have identification numbers and the street name or numbers on the dock or on any other structure extending into the waterbody, if there is no such dock or structure then on the seawall or if there is no such dock or structure or seawall then on the closest permanent structure to the waterbody. Such numbers shall be the number of the structure provided by the City. Script or curb numbers may not be used instead of the numbers required in this section.

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Sec. 8-4. Regulation of swimming pools or fish ponds.

(a) Every person in possession of land within the City limits, either as owner, purchaser, lessee, tenant or a licensee, on which there is situated a swimming pool or fish pond which is designed to contain eighteen (18) inches or more of water in depth at any point, whether or not containing water or whether or not in use, shall erect and maintain thereon an adequate enclosure either surrounding the property or the swimming pool or fish pond, sufficient to make such swimming pool or fish pond inaccessible to young children. Such enclosures shall not be less than four (4) feet in height, when located on a lot with a single-family residential use, and not less than six (6) feet in height for all other swimming pools and fish ponds, and shall be constructed or formed so as to not have openings, holes, or gaps larger than four (4) inches in any dimension, except for doors and gates. A dwelling house or accessory building may be used as part of such enclosure.

(1) All gates or doors opening through such enclosures except a dwelling house shall open outward away from the pool and be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use. Latches shall be placed no less than fifty-four (54) inches above the bottom of the enclosure and the release mechanism must be located on the pool side of the gate or otherwise made inaccessible from the outside to young children. Aboveground pools constructed with steps and a platform circling the pool and not otherwise enclosed shall have the platform enclosed and a gate provided at the top of the steps, such enclosure and gate meeting the criteria as described herein.

(2) The requirements of subsection (a) shall apply to all properties on which

swimming pools or fish ponds are constructed or created, except those pools or fish ponds located on a property which abuts a bay, lake, estuary, bayou, canal, creek, river or other body of water, provided such swimming pools or fish ponds are within one hundred (100) feet of such bodies of water.

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(b) The POD may make modifications to subsection (a) in individual cases, upon a showing of good cause with respect to the height, nature or location of the enclosure, gates or latches, or the necessity therefore, provided the protection as sought hereunder is not reduced.

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(c) All single-family and duplex properties with a swimming pool constructed or installed on or after October 1, 2000 shall also comply with all provisions of the Residential Swimming Pool Safety Act set forth in Chapter 515, unless specifically exempted.

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(d) (1) Swimming pools, spas, hot tubs, fish ponds and other manmade bodies of fresh water, excluding ponds created pursuant to City, State, Federal or Regional regulations or by the City for stormwater detention and treatment purposes, located completely within the boundaries of one lot shall be kept in a safe and sound condition and good repair at all times. Safe and sound condition and good repair shall be determined based on the water quality and clarity, water level and maintenance of all parts being safe and in a condition so that they may be used for the purpose intended. Swimming pools, spas, hot tubs, fish ponds or other manmade bodies of fresh water as described herein shall not be allowed to deteriorate to an unsafe or unsound condition or disrepair. For the purposes of this section, unsafe as to water quality, level and clarity shall mean that they do not meet the requirements of Ch. 64E-9.004 FAC, as amended. In addition, in the case of swimming pools, water quality and clarity may be declared unsafe when the clarity of the pool water is such that the main drain grate is not completely visible to a person standing on the pool deck, or the re-circulation system or disinfection feeding equipment is missing or not functioning.

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(2) When a swimming pool, spa, hot tub, fish pond or other manmade body of fresh water completely within the boundaries of one lot is found to be unsafe, the City may take action to make the body of water safe. Such action may include removal and/or filling the swimming pool, spa, hot tub, pond, or other manmade body of fresh water or such other methods as the City deems appropriate. When such body of water is found to be unsafe, it shall be considered an unsafe structure as provided in Chapter 8, Article VII, Division 4. The City shall follow the procedures set forth therein to make the body of water safe and shall have a lien on the real property as provided therein which shall be superior to all other liens except taxes.

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Sec. 8-5 Reserved.

Sec. 8-6. Construction Site Maintenance.

(a) Construction sites which are less than one (1) acre are required to comply with the following minimum standards related to maintenance which include, but are not limited to, erosion control, trash and construction debris containment, right-of-way protection, material storage, protection and maintenance of vegetation, and providing for location of sanitary facilities. A construction site shall be any property for which a permit has been

Deleted: Sec. 8-5. Electrified fences, barriers, etc., prohibited.¶
It shall be unlawful for any person to construct, maintain, place, install or allow or cause to be constructed, maintained, placed or installed on or about any building or property any fence, barrier, partition, obstruction or similar structure electrically charged or connected with any electrical source in such a manner as to transmit an electrical charge to persons, animals or things which might come in contact therewith.¶

issued pursuant to the Florida Building Code, as amended. The Building Official may require the contractor of record to include a written plan showing how these standards will be met.

(1) Erosion Control – Any construction site excavating, adding, removing or relocating dirt or soil shall include with the permit application a copy of an approved stormwater drainage plan and method for retaining soil, vegetation or silt on site and include a method of stabilization of disturbed areas subsequent to construction. Projects located in a flood zone may be prohibited from adding fill to the site (see Chapter 16, Damage Prevention). It shall be unlawful to permit soil, vegetation, silt or trash to collect outside the lot lines of a construction site.

2. Trash and Construction Debris – All outdoor trash/debris shall be stored in an approved manner. The City encourages the recycling of materials and supports “Green Build” initiatives (See Chapter 12, Fees) on all construction projects. Trash containers may be available through the City’s sanitation department after payment of the required fees. Private containers and dump trucks/trailers maybe used on a construction site if properly registered with the Department of Motor Vehicles. Signage showing such registration shall be affixed to the exterior of the containers and/or dump trucks/trailers. Other methods of containment may be approved by the Building Official. Human trash generated from food, drink, etc. shall be in a timely manner disposed of in an approved trash receptacle. It shall be unlawful to bury any construction debris, trash or vegetation on a construction site.

3. Right-Of-Way Protection – Prior to any excavation, all construction sites shall identify all public utilities on site and in any right-of-way abutting the site and the area to be used to access the construction site prior to any excavation. Existing sidewalks, curbs and roadways shall be protected from damage by vehicles and construction equipment and any damage thereto shall be repaired prior to issuance of a certificate of occupancy. Equipment and vehicles are prohibited from parking over public utilities located in any part of the right-of-way which is not paved unless appropriate measures are taken to protect the utilities which are approved by the POD. Historic granite curbs and hex-block sidewalk pavers shall be preserved and protected; any damage caused by construction shall be repaved prior to a certificate of occupancy being issued. All public sidewalks shall remain accessible whenever possible.

4. Material Storage – All construction related materials shall be stored on the construction site. Prior to storage of materials on other private properties the property owner must provide to the Building Official (a) a letter approving the materials to be stored and identifying the expiration date of approval for storage and (b) any contract or storage agreement. Upon approval by the Building Official, storage sites shall be subject to the same minimum maintenance requirements of the construction site. The Building Official may permit storage on the right-of-way after receipt of written approval from the POD (presently the Engineering Department). All construction sites with outdoor storage shall include a disaster mitigation action plan, approved by the Building Official, for securing building and job site materials.

5. Sanitary Facilities – A minimum of one (1) restroom facility shall be

located on all construction sites. The facility must be an approved portable toilet, construction trailer restroom or permanent facility located within one hundred (100) feet of the construction site. Construction sites may share facilities as long as the facility is within one hundred (100) feet of each construction site. Facilities must be located on private property as far as reasonably possible from any residential uses. Facilities must be accessible for regularly scheduled dumping and sanitization. Sanitation must occur monthly or with every dumping depending on the regular schedule of the portable facility company. The Building Official may allow alternative locations for facilities.

(b) The Building Official is authorized to initiate site inspections for compliance with this section. Violation of any of the requirements of this section may result in a stop work order being issued or the use of any other enforcement method allowed by law. Such violations are subject to the fee schedule related to reinspections in Chapter 12.

Sec. 8-7. Days and Hours of Operation

It shall be the intent of this section to identify the days of the week and the hours of the day that construction activities, including but not limited to, exterior building construction, alterations, improvements, demolition or earth moving, excavation, drilling, coring, pile driving and any other outside activity, and any inside activity which results in exterior noise, dust, traffic, light or other nuisance that differs from typical daily activity in all surrounding blocks are prohibited. This section shall apply to construction sites, located within one thousand (1000) feet of any lawful residential use. This section does not apply to the moving of structures (See Chapter 8, Moving Buildings).

(1) Construction activities shall not occur Monday through Friday prior to 7:00 A.M. and shall cease operations prior to 7:00 P.M.

(2) Construction activities shall not occur on Saturdays and nationally recognized holidays prior to 9:00 A.M. and shall cease operations prior to 6:00 P.M.

(3) Construction activities shall not occur on Sundays prior to 11:00 a.m. and shall cease operations by 5:00 p.m.

(4) This section shall not apply to any construction activities conducted on any street, road, highway or right-of-way.

(5) This section shall not apply during the period of time that a declaration of emergency has been issued by the Governor of Florida, the Pinellas County Board of County Commissioners or the Mayor of the City of St. Petersburg.

(6) The Building Official may approve days and hours of operation different than the provisions of this section after reviewing a written request for exemption provided by the developer, architect, engineer or contractor of record. The request must include the following information:

- The challenge(s) prohibiting normal days and hours of operation.
- Means of mitigation of excessive noise, dust, traffic, light or any other nuisance.
- The projected duration for alternative scheduling

If the Building Official finds that the proposed mitigation adequately protects lawful residential uses within one thousand (1000) feet from the negative

impacts of the construction activities, the revised work schedule may be approved. The Building Official may revoke such approval if the approved work schedule is not followed or it is determined that the approved work schedule does not adequately protect the lawful residential uses within one thousand (1000) feet.

ARTICLE II. BUILDING CODE*

Sec. 8-31. Adoption of Code and Standards.

The Florida Building Code and its incorporated standards, codes and references are hereby adopted as the building code for the City of St. Petersburg. If the Florida Building Code or its standards, codes and references are amended after the effective date of this Article, those amendments will be automatically adopted and incorporated into this Article. In the event of a conflict between the Florida Building Code and the express provisions of this Article or other ordinances of the City, the Florida Building Code shall prevail.

Sec. 8-32. Conflicts.

The provisions of Articles II through VI shall be construed to be supplemental to the Florida Building Code. These articles are additional requirements which must be read with the Florida Building Code. In the event of a conflict between the Building Code and the express provisions of this chapter or other ordinances of the City, except those amendments in Articles II through VI, the Florida Building Code shall prevail.

Sec. 8-33. Administrative amendments to the Florida Building Code.

The following sections supplement the Florida Building Code:

- (1) a. Permitting and inspection. The inspection or permitting of any building, structure or plan under the requirements of this building code shall not be construed in any court as a warranty of the physical condition of such building or the adequacy of such plan.

b. Liability. No employee charged with the responsibility of enforcing or implementing this building code shall be personally liable for any damages for any defective or hazardous or illegal condition or inadequacy in such building, structure or plan, nor for any failure of any component of such building or structure which may occur subsequent to such inspection or permitting. The Building Official, when discharging the duties required by this building code or other pertinent law or ordinance, shall not be personally liable for any damages that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties.

This building code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building

Deleted: Building Code adoption.¶ The Florida Building Code 2001 , as amended, including Appendix Chapters A and D, as published by the State of Florida, is hereby adopted as the Building Code for the City of St. Petersburg, in the State of Florida for the control of the construction buildings and structures. Each and all of the regulations, provisions, penalties, conditions and terms of the building code are hereby referred to, adopted, and made a part hereof, as if fully set out in this article with the additions, insertions, deletions and changes set forth in this article

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101.3.1 Intent. The purpose of this code is to establish minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress of facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment including alterations, repairs, removal, demolition, use, and occupancy of buildings, structures, or other premises and by regulating the installation of and maintenance of all electrical, gas, mechanical, and plumbing systems which may be referred to as service systems.¶
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or structure for any damages to persons or property caused by defects, nor shall the building code enforcement agency as described in subsection 2(a) or the City assume any such liability by reason of the inspections authorized by this building code or any permits or certificates issued under this building code.

(2) Department of Building and Safety.

a. Creation of Enforcement Agency. The Construction Services and Permitting Division (and its successor department as it may be renamed) is hereby designated as the building code enforcement agency under the direction of the Building Official. This shall not prohibit other authorized persons from enforcing violations of the building code.

b. General. The Building Official is hereby authorized and directed to enforce all the provisions of this building code. For such purposes, the Building Official shall have all the powers provided for the building official as set forth in the Florida Building Code, Florida Statutes, City Code and any other applicable law. The Building Official shall have the power to render interpretations of this building code and to adopt and enforce rules and supplemental regulations to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this building code. This shall not prohibit other authorized persons from enforcing building violations of the building code.

c. Inspectors and Officers. The Building Official may appoint such number of technical officers, inspectors and other employees as shall be authorized from time to time. Persons appointed by the Building Official shall have the powers delegated to them by the Building Official.

(3) Powers and Duties of Building Official.

a. Right of Entry. Where it is necessary to make an inspection to enforce the provisions of this building code, or when the Building Official has reasonable cause to believe that there exists in a building or structure, or upon a premises or property a condition that is contrary to or in violation of this building code which makes the building, structure, premises, or property, or any electrical, gas, mechanical, or plumbing systems unsafe, dangerous or hazardous, the Building Official may enter the building, structure, premises or property at reasonable times to inspect or to perform any duties imposed by this building code. If such building, structure, premises or property are occupied, the Building Official shall present identification to the occupant and request entry. If such building, structure premises or property are unoccupied, the Building Official shall make a reasonable effort to locate the owner or other person having charge or control of the building, structure, premises or property and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

b. Inspection Warrant. When the Building Official shall have first obtained an inspection warrant or other authorization provided by law to secure entry, no owner or occupant or any persons having charge, care or control of any building, structure, or premises, or property shall fail or neglect, after request is made, to promptly permit entry by the Building

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Official for the purpose of inspection and examination pursuant to this building code.

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c. Stop Work Notice. Whenever any building, structure, electrical, gas, mechanical, plumbing or other construction related work is being done contrary to the provisions of this building code, or other laws or ordinances implemented through the enforcement of this building code, or contrary to the condition of a permit, or in a dangerous or unsafe manner, the Building Official shall require the work stopped by posting a written notice in a conspicuous place on the site or served on any persons engaged in the doing or causing such work to be done. Such persons shall immediately cease and desist the identified work until authorized by the issuance of a new permit, issuance of a revised permit, or when authorized in writing by the Building Official to proceed with the work. Such notice shall be posted on the site or given either to the owner of the property, or to his agent, or to the person doing the work. Where an emergency exists, the Building Official may provide verbal notice and shall not be required to give written notice prior to stopping the work but shall provide such written notice within a reasonable time after stopping the work. Failure to cease work after receipt of either the verbal or written notice provided herein shall be a violation of this section. Stop work notices may be issued for all or a portion of the work performed on a site or pursuant to a permit.

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d. Rejection, Suspension, Revocation. The Building Official is authorized to reject a permit application and to suspend or revoke any approval or permit issued under the provisions of this building code whenever the application or approval was made or permit issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation, or any provision of this building code.

e. Violation of Code Provisions. The Building Official is authorized to suspend or revoke a permit upon determination that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the building, structure, electrical, gas, mechanical or plumbing systems for which a permit was issued is in violation of, or not in conformity with, the provisions of this building code or the conditions of the permit.

f. Unsafe Buildings, Structures, or Systems. All buildings, structures or systems (electrical, gas, mechanical, plumbing) regulated by this building code that are structurally unsafe or not provided with adequate egress, or that constitute a fire hazard, or are otherwise dangerous to human life are, for the purpose of this section, unsafe. Any use of buildings or structures or systems constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is, for the purpose of this section, an unsafe use. Parapet walls, cornices, spires, towers, tanks, statuary and other structural members that are supported by, attached to, or a part of a building or structure or systems and that are in deteriorated condition or otherwise unable to sustain the design loads that are specified in this building code are hereby designated as unsafe.

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All unsafe buildings, structures, or systems are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in Chapter 8, as amended. The Building Official may initiate any action to prevent, restrain, correct or abate the public nuisance.

g. Requirements Not Covered by Code. The Building Official may impose any additional requirements necessary for the strength, stability, safety or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically required by this or the other technical codes.

h. Occupancy Violations. Whenever any building, structure, premises or equipment regulated by this building code is being used in violation of the provisions of this building code, the Building Official may order such use discontinued and the structure, or portion thereof, vacated by serving written notice on any person causing such use (e.g. the owner, tenant, occupant or their agents) until such use complies with the requirements of this building code. Such person shall discontinue the use within the time prescribed by the Building Official after receipt of such notice.

i. Modifications. When there are practical difficulties involved in carrying out the provisions of this building code, the Building Official may grant modifications for individual cases. The Building Official shall first find that specific reasons make the strict letter of this building code impractical and that the modification is in conformance with the intent and purpose of this building code and that such modification does not lessen any fire-protection requirements or any degree of structural integrity. The details of any action granting modifications shall be in writing and recorded and entered in the files of the Building Official.

j. Tests and Surveys. Whenever there is insufficient evidence of compliance with any of the provisions of this building code or evidence that any material work or construction does not conform to the requirements of this building code or the approved plan or permit, the Building Official may require tests or surveys to be made at no cost to the City to insure compliance. Test methods shall be as specified by this building code or by other recognized test standards. If there are no recognized and accepted test methods, the Building Official shall determine acceptable test methods.

All tests or surveys shall be made by an entity or person approved by the Building Official. Reports of such tests shall be retained by the Building Official for the period required for the retention of public records.

k. Cooperation of Other Officials and Officers. The Building Official may request, and shall receive, the assistance and cooperation of other officials including but not limited to Police, Fire, Utilities, Codes and Public Works so far as is required in the discharge of the duties required by this building code or other pertinent law or ordinance.

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104.1.1 When is a Permit Required.
Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, ... [9]

(l). Owner Builder Permits. The Building Official may deny the issuance of a permit to an owner if the Building Official determines that the owner is not capable of performing the work. The Building Official may determine that an owner is not capable of performing the work if an owner is unable to understand basic construction principles and practices or is unable to effectively understand the basic principals to obtain a construction permit.

1. Owners of residential property, constructing or improving one or two-family, attached or detached, dwellings or accessory structures on such property for the occupancy or use of such owners and not offered for sale or lease (except for a two-family dwelling, one (1) dwelling may be leased) and when acting as their own contractor and providing direct, onsite supervision themselves of all work not performed by licensed contractors, shall be exempt from the requirement that work be performed by a licensed contractor and the owner may obtain required permits except as provided above.
2. Owners of property, constructing or improving buildings not included in subsection 1, excluding electrical work, penetrations of fire related assemblies, installation of fire safety components, or work affecting the means of egress, on such property for the occupancy or use of such owners at a total cost not to exceed \$500.00, and not offered for sale or lease, and when acting as their own contractor and providing direct, onsite supervision themselves of all work not performed by licensed contractors, shall be exempt from the requirement that work be performed by a licensed contractor and the owner may obtain required permits except as provided above. An owner/contractor will be subject to penalties pursuant to Florida Statutes, Chapter 489, as amended.
3. In an enforcement action brought under this part, proof of the sale or lease, or offering for sale or lease, of any such building by the owner within one (1) year after completion of the work or issuance of a certificate of occupancy, whichever is later, creates a presumption that the construction was undertaken for purposes of sale or lease and shall be a violation of this section. This subsection does not exempt any person who is employed by or has a contract with such owner and who acts in the capacity of a contractor. The owner may not delegate the owner's responsibility to directly supervise all work to any other person unless that person is registered or certified under this part and the work being performed is within the scope of that person's license. For the purposes of this subsection, the term "owners of property" includes the owner of a mobile home situated on a leased lot.
4. Any owner of property convicted of violating this section shall be prohibited from obtaining a permit pursuant to this exemption for a period of two (2) years from the approval date of all required final inspections or the conviction or, if appealed, the date of the final appellate decision, whichever is later.

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5. To qualify for exemption under this subsection, a property owner must personally appear and sign the permit application. The Building Official may accept a notarized permit application if the property owner is unable to personally appear and sign the permit application. The Building Official shall provide the property owner with a disclosure statement in substantially the following form:

Disclosure Statement

State law requires construction to be done by licensed contractors. You have applied for a permit under an exemption to that law. The exemption allows you, as the owner of your property, to act as your own contractor with certain restrictions even though you do not have a license. You must provide direct, onsite supervision of the construction yourself. You may build or improve a one-family or two-family residential dwelling. You may also build or improve a commercial building, provided your costs do not exceed \$500.00. The building or residential dwelling must be for your own use or occupancy. The building or residential dwelling may not be built or substantially improved with the intent to sell or lease. If you sell or lease a building you have built or substantially improved yourself within one (1) year after the construction is complete, the law will presume that you built or substantially improved it for sale or lease, which is a violation of this exemption. You may not hire an unlicensed person to act as your contractor or to supervise people working on your building.

It is your responsibility to make sure that people employed by you have licenses required by state law and by county or municipal licensing ordinances. You may not delegate the responsibility for supervising work to a licensed contractor who is not licensed to perform the work being done. Any person working on your building who is not licensed must work under your direct supervision and must be employed by you, which means that you must deduct F.I.C.A. and withholding tax and provide workers' compensation for that employee, all as prescribed by law. Your construction must comply with all applicable laws, ordinances, building codes, and zoning regulations. You may be ordered to obtain a current survey if it appears that your construction violates required setbacks from your lot lines.

(m) Certificate of Occupancy, Exception. A certificate of occupancy shall not be required for:

1. A change of ownership or tenancy in a building for which a certificate of occupancy was issued, provided there has been no remodeling or alterations to the building to change its approved use. This exemption shall not apply to indoor or outdoor eating or drinking establishments (e.g., restaurants, bars, lounges) or to residential rental property which has not had an occupational license for more than two (2) years.
2. Temporary vendors who locate within a fully enclosed shopping mall for less than ninety (90) days, do not require the use of hazardous chemicals, materials or gasses for the conduct of their

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104.5.1.1 Expiration. A permit issued by the building official under the provisions of this code shall expire if the work authorized by such permit does not pass its first inspection within 180 days from the date of issuance of such permit, or does not pass an inspection within 90 days following the date of the latest approved inspection until the work authorized by the permit is completed. If a permit expires, all work performed under a permit which expires before the work is completed shall be deemed to be work performed without a permit until such time as another permit for substantially the same work is issued. If a permit expires and another permit is issued for substantially the same work, the work shall require an approved inspection not later than 30 days from the re-issuance of the permit or else the permit shall expire. Thereafter, the permit shall expire if the work does not pass an inspection within 90 days following the date of the latest approved inspection, until the work authorized by the permit is completed.¶

104.5.1.2 Extensions. Upon written request by a permittee prior to ... [10]

business, are not participating in a special event as defined by this chapter and who do not set up and operate from an enclosed kiosk or similar structure.

3. Home occupations.

This section shall not prohibit the Building Official or Fire Marshal from conducting inspections that are necessary to protect the health, safety and welfare of the occupants and the general public.

- (5) Violations and Penalties. Any person who shall violate any provision of this building code or fail to comply therewith or with any of the requirements thereof or any order of the Building Official, or who shall erect, construct, alter, demolish or move any structure, or has caused or allowed to be erected, constructed, altered, repaired, moved or demolished a building or structure in violation of this building code, may be punished as provided in Section 1-7, City Code or as otherwise allowed by law.

The imposition of a penalty does not prevent the revocation or suspension of a license, permit or franchise, or the imposition of civil fines or other administrative actions, including action pursuant to Chapter 162, Florida Statutes, as amended.

- (6) Appeals. Any person aggrieved by a ruling of the Building Official or Fire Marshal may file a written appeal to the Pinellas County Construction License Board of Appeals ("Board") or its successor as provided in Laws of Florida Chapter 75-489, as amended, provided such ruling is within the appellate jurisdiction of such Board.

- (7) Severability. If any section, subsection, sentence, clause or phrase of this building code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this building code.

Sec. 8-34. Tents and temporary structures.

(a) It shall be unlawful for any person to erect or construct, or to maintain after erection or construction, any tent or other temporary structure which has a covered area of more than 120 square feet, on any property within the City without a permit.

(b) An applicant shall file a written request for the permit with the Building Official. Such request shall set forth in full, the name and address of the applicant together with a definite description of the proposed location of the tent or temporary structure, the use to be made of the proposed tent or structure, the size, material, dimensions and certificate of flameproofing thereof, together with other information that may be required. The application shall be subject to the approval of the Fire Marshal. The Fire Marshal shall approve or disapprove the application based on compliance with applicable fire codes. The Building Official shall approve or disapprove the application based on compliance with applicable Codes.

(c) No permit shall be issued for a period of more than 30 days, unless in conjunction with a permitted temporary use.

(d) Any person who shall erect, construct, maintain or assist in the erection, construction or maintenance of a tent or temporary structure, or who operates a use in a tent or temporary structure without having a written permit therefore, shall be in violation

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ARTICLE III. ELECTRICAL CODE*

Sec. 8-56. Adoption of Code and Standards.

The National Electric Code and its incorporated standards, codes and references are hereby adopted as the Electrical Code for the City of St. Petersburg. If the National Electric Code or its standards, codes and references are amended after the effective date of this Article, those amendments will be automatically adopted and incorporated into this Article. In the event of a conflict between the National Electric Code and the express provisions of this Article or other ordinances of the City, the National Electric Code shall prevail.

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The current edition of the NFPA 70, National Electrical Code, as published by the National Fire Protection Association, as amended and adopted by the State, be and is hereby adopted as the Electrical Code for the City of St. Petersburg, for the control of electrical systems and components as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said electrical code are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes set forth herein. The provisions of this chapter shall be construed to be supplemental to the electrical code adopted in this chapter. In the event of a conflict between the electrical code and the express provisions of this chapter or other ordinances of the City, the National Electrical Code shall prevail.

Sec. 8-57. Administration.

The provisions of Chapter 1, Florida Building Code, as amended shall govern the administration and enforcement of the National Electrical Code adopted in this chapter.

Sec. 8-58. Approval required to connect to energy source.

It shall be unlawful for any person to make a connection from a supply of electricity or to supply electricity to any electrical equipment the installation of which requires or required an electrical permit or which has been disconnected or ordered to be disconnected by the Building Official, before the connection or re-connection has been authorized in writing by the Building Official.

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Sec. 8-59. Conflict of interest.

It shall be unlawful for electrical inspectors to engage in the business of the sale, installation or maintenance of electrical equipment, either directly or indirectly, or to have any financial interest in any concern engaged in such a business in the City.

Sec. 8-60. Authority to grant temporary connections.

A 30-day temporary electrical service connection may be granted by the building official if the service wiring is found to be in a safe operating condition and provided an urgent necessity for electrical current exists.

Sec. 8-61. Disconnection of hazardous wiring.

The Building Official is authorized to disconnect any wiring deemed to be hazardous to life or property. Any violation of this article or the electrical code shall be prima facie evidence of a condition hazardous to life or property.

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Sec. 8-62. Equipment grounding.

All raceways shall contain an equipment grounding conductor sized in accordance with Table 392.7B of the National Electric Code as amended.

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Sec. 8-63. Section 280-3--Surge arresters, number required.

Surge arrestors shall be installed on all service equipment. Where used at a point on a circuit, a surge arrestor shall be connected to each ungrounded conductor. A single installation of such surge arrestors shall be permitted to protect a number of interconnected circuits provided that no circuit is exposed to surges while disconnected from the surge arrestors.

ARTICLE IV. GAS CODE*

Sec. 8-106. Adoption of Code and Standards.

The Florida Building Code 2004, Fuel Gas and its incorporated standards, codes and references are hereby adopted as the Gas Code for the City of St. Petersburg. If the Florida Building Code 2004, Fuel Gas or its standards, codes and references are amended after the effective date of this Article, those amendments will be automatically adopted and incorporated into this Article. In the event of a conflict between the Florida Building Code 2004, Fuel Gas and the express provisions of this Article or other ordinances of the City, the Florida Building Code 2004, Fuel Gas shall prevail.

Sec. 8-107. Administration.

The provisions of Chapter 1, Florida Building Code, as amended, shall govern the administration and enforcement of the Fuel Gas Code adopted in this chapter.

ARTICLE V. MECHANICAL CODE*

Sec. 8-161. Adoption of Code and Standards.

The Florida Building Code 2004, Mechanical and its incorporated standards, codes and references are hereby adopted as the Mechanical Code for the City of St. Petersburg. If the Florida Building Code 2004, Mechanical or its standards, codes and references are amended after the effective date of this Article, those amendments will be automatically adopted and incorporated into this Article. In the event of a conflict between the Florida Building Code 2004, Mechanical and the express provisions of this Article or other ordinances of the City, the Florida Building Code 2004, Mechanical shall prevail.

Sec. 8-162. Administration.

The provisions of Chapter 1, Florida Building Code, as amended, shall govern the administration and enforcement of the Mechanical Code adopted in this chapter.

ARTICLE VI. PLUMBING CODE*

Sec. 8-181. Adoption of Code and Standards.

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Florida Building Code 200, Plumbing, including Appendix Chapters A, B, C, D, E, and F, as published by the State of Florida, as amended and a ... [11]

The Florida Building Code 2004, Plumbing and its incorporated standards, codes and references are hereby adopted as the Plumbing Code for the City of St. Petersburg. If the Florida Building Code 2004, Plumbing or its standards, codes and references are amended after the effective date of this Article, those amendments will be automatically adopted and incorporated into this Article. In the event of a conflict between the Florida Building Code 2004, Plumbing and the express provisions of this Article or other ordinances of the City, the Florida Building Code 2004, Plumbing shall prevail.

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Sec. 8-182. Administration.

The provisions of Chapter 1, Florida Building Code, as amended, shall govern the administration and enforcement of the Plumbing Code adopted in this chapter.

Section 2. The definitions for 'Department,' 'Director,' 'Easement,' 'Public Area,' and 'Right of way' in Section 8-206 are repealed and removed from the City Code and the definitions of 'Dwelling,' 'Public Nuisance,' and 'Structure' in Section 8-206 of the St. Petersburg City Code is hereby amended to read as follows:

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Dwelling means any building or structure, including a mobile home, intended to be used for living quarters by human occupants.

Deleted: article or fail to comply therewith or with any of the requirements thereof or any order of the Director, or who shall erect, construct, alter, *demolish or move* any structure, or has erected, constructed, altered, repaired, moved or demolished a building or structure in violation of this article, may be fined pursuant to Chapter 9 of the City Code or Chapter 162 of Florida Statutes or shall, upon conviction, be punished according to Section 1-7. Each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this article is committed

Public nuisance means a structure or a parcel of real property, or portion thereof, whether or not vacant and whether or not secured, which is and has been for a period of 30 days or more, a blighting influence, and unfit or unsafe, or as otherwise identified in Chapter 1-7.

Structure means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner and, for the purposes of this Chapter, includes mobile homes. The term "structure" shall be construed as if followed by the words "or part thereof."

Section 3. Section 8-211 of the St. Petersburg City Code is hereby amended to read as follows:

Sec. 8-211. Penalty for violation,

Any person who shall violate any provision of this Chapter shall be subject to the penalties provided in Chapter 1-7,

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The enforcement of this article shall be the responsibility of the Mayor or POD.) **Liability of enforcement personnel.¶**

¶ Any City officer, employee, or member of the Code Enforcement Board who is or may be charged with or involved in the enforcement of this article, in the discharge of such duties shall not thereby be personally liable, and is, to the extent allowed by law, hereby relieved from all and protected by the City against any personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of such duties. Any suit brought against any City officer, employee or board member because of this article shall be defended by the City Attorney or other legal counsel provided by the City.

Section 4. Sections 8-226 and 8-227 of the St. Petersburg City Code are hereby repealed and removed from the City Code.

Section 5. Section 8-232 of the St. Petersburg City Code is hereby amended to read as follows:

Sec. 8-232. Service of notices.

Written notice, informing the owner, tenant, or other responsible person of property maintenance problems or the existence of public nuisance conditions and the repairs or corrective action necessary to remediate such problems or conditions, shall be

sent by hand delivery or first class mail to the property address and the property owner at the address listed in the records of the county tax collector for tax notices, or to the "legal premises agent" as that term is defined herein. A copy of such notice may also be given to a property manager or other responsible person whose name and address are known to the POD, but such notice shall be deemed a courtesy and not mandatory.

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Section 6. Sections 8-346 through 8-356, Division 3, Subdivision IV, Mobile Homes, of the St. Petersburg City Code are hereby repealed and removed from the City Code.

Section 7. Section 8-373 of the St. Petersburg City Code is hereby amended to read as follows:

Sec. 8-373. Assessment of cost of demolition, etc.; lien on property.

(a) Upon expiration of the appeal period with no appeal having been taken, or upon expiration of a 30-day period following the denial of an appeal, or following an emergency demolition authorized and conducted in accordance with Section 8-377, the POD, after proceeding under this division, shall report the abatement of the nuisance by the City; and the City Council shall assess the entire cost of such vacation, demolition, removal or securing against the real property upon which such cost was incurred. The costs which may be assessed include the costs of rodent extermination where employed, all administrative costs (which shall include all costs related to any hearing before a hearing officer), postal expense, newspaper publication and other costs reasonably and necessarily incurred by the City, and attorney's fees and costs to the extent provided in Chapter 1. Such costs when assessed shall constitute a lien upon such property superior to all others except taxes.

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(b) In those instances where the owner has repaired, secured or demolished a structure or caused such work to be done as the result of having received notice from the City ordering such repair work, demolition or securing, all costs described in subsection (a) reasonably and necessarily incurred by the City shall be assessed against the property and shall constitute a lien upon such property superior to all others except taxes.

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(c) The City shall record a notice of lien in the public records of the county. The notice of lien shall show the nature of such lien, the amount thereof, the names of persons having an ownership or other property interest of record, and an accurate legal description of the property, which lien shall date from the date of recording of the notice of lien. Such lien shall bear interest from such date at the rate established by the Comptroller of the State of Florida pursuant to § 55.03(1), Florida Statutes (2008), as amended, and shall be enforceable if unsatisfied, after the expiration of one year from the date of recording such notice of lien, as other liens may be enforced by the City.

Section 8. Sections 8-381 through 8-389, Division IV, Abatement of Public Nuisances, of the St. Petersburg City Code are hereby repealed and removed from the City Code.

Section 9. Sections 8-401 through 8-493 of the St. Petersburg City Code are hereby amended to read as follows:

ARTICLE VIII. CONTRACTORS*

Sec. 8-401. Licensing laws adopted.

The contractors licensing laws of the City shall be the licensing laws as adopted and amended by the Pinellas County Construction Licensing Board (PCCLB).

Sec. 8-412. Exemptions.

The provisions of this article do not apply to an authorized representative of the United States government, the State, the County, the City, or any political corporation or subdivision thereof, if the operation of a trade is done by its own salaried employees.

Sec. 8-413. Evidence of engaging in business.

Any plaintiff or defendant in any court of the State, or any person advertising in a newspaper or otherwise to be a contractor for work within the City, shall be subject to the provisions of this article and shall have an appropriate unexpired contractor's license. A certified copy of court records showing such allegations or a copy of the newspaper or other advertising making such an assertion shall be prima facie evidence in court or in any other proceeding that the person purports to have the capacity to act as a contractor.

Sec. 8-414. Unlawful acts or omissions.

It shall be unlawful for any contractor operating within the City, whether licensed individually by the PCCLB or as a firm and through its officers, directors or qualified representatives, to commit any one or more of the following acts or omissions:

- (1) To contract or do any work outside the scope of operations, of the particular type of contractor for which licensed.
- (2) Abandon without legal excuse a construction project or operation engaged in or under contract as a contractor.
- (3) Divert funds or property, received for the execution or completion of a specific construction project or operation or for a specified purpose in the execution or completion of such, to any other use whatsoever.
- (4) Depart from or disregard in any material respect the plans or specifications of a construction job without the consent of the owner or duly authorized representative.
- (5) Disregard or violate, in the performance of contracting business, any of the building, safety, health, insurance or worker's compensation laws of the State or provisions of this building code or other ordinances of the City.
- (6) Misrepresent any material fact in the application and attendant papers thereto in obtaining an occupational license under this division.
- (7) Fail to fulfill contractual obligations through inability to pay all creditors for material furnished or work or services performed in the operation of business for which a license is issued.

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Subdivision I. General Provisions
Sec. 8-411. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
City specialty contractor means a contractor whose operations as such are the performance of construction work and related structural work which requires the issuance of permits and whose principal contracting business involves the use of specialized building trades and crafts, and who for compensation, undertakes to, or submits a bid to, or does individually or through others, construct, repair, alter, remodel, add to, subtract from, improve any building or structure, including related improvements to real estate for others, or for resale to others. Specialty contractors shall be classified as one of the following crafts:
Demolition.
Fence erectors.
Well drilling and sprinkler installation.
Parking, paving and asphalt.
Awning installation (does not include signs).
Decking (limited to on grade, free standing).
Excavation (limited to grubbing and clearing).
Flag pole erector.
Building moving.
Landscape.
Mobile home installer.
Ornamental iron work installations.
Signs. ... [12]

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- (8) Aid or abet an unlicensed person to evade the provisions of this article or allow such person's license to be used by an unlicensed person or act as an agent, partner or associate of an unlicensed person, with the intent to evade the provisions of this division.
- (9) Do any willful or fraudulent act as a contractor by which another is substantially injured.
- (10) Negligence, incompetence or misconduct in the practice of contracting within the meaning of this article.

Sec. 8-415. Reserved.

Sec. 8-426. Business Tax Certificate Required.

A separate business tax certificate is required for each field of contracting as established by this division. The annual fee for the business tax certificate shall be as provided in chapter 17, as amended, article IV. Each classification of a contractor shall require a license except that this shall not prohibit a contractor from taking and executing a contract involving use of two or more crafts or trades if the performance of the work in the craft or trade other than that in which the license is issued is incidental to the performance of work in the craft for which the contractor is licensed.

Sec. 8-427. Display.

An unexpired business tax certificate shall be displayed at all times in the licensee's main office or chief place of business in the City.

Sec. 8-428. Reserved.

Sec. 8-429. Grounds for revocation or suspension of construction/building permits.

- (a) The Building Official shall revoke a contractor's authority to obtain construction/building permits, if it is found that the contractor has violated any of the provisions of Section 8-414, City Code.

ARTICLE IX. MOVING BUILDINGS*

DIVISION 1. GENERALLY

Sec. 8-451. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means the person applying for a building moving permit, who shall be the owner of the building to be moved and shall also be the owner, contract purchaser or leaseholder of the property to which the building is to be moved. Application may also be made by a licensed building mover having a valid contract from the applicant.

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- Deleted: Liability insurance.¶ A contractor licensed pursuant to this division shall maintain at all times, in an insurance company authorized to do business in the State, public liability insurance with the minimum limits of each not less than \$2,000.00 for one person and \$5,000.00 for more than one person in any one accident, and public property damage insurance with a minimum limit of not less than \$1,000.00 for any one accident. The insurance shall name the City as additional insured. The contractor shall file the insurance certificates, signed by the qualified agent of the insurer, after approval by the Legal Department of the City, with the City Department of Housing and Construction Services showing the type of policy issued, the policy number, the name of the insurer, the effective date of the policy, the amount, and providing by endorsement in the policy an agreement by the insurer to give a five-day written notice by registered mail to the City Department of Housing and Construction Services of the insurer's intent to cancel th(... [13]
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Building means a structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property; however, a structure not exceeding one hundred (100) square feet and eight feet in width shall not fall within this definition. Manufactured structures are included within this definition; however, manufactured structures may be moved by persons other than licensed building movers notwithstanding other provisions of this article.

Building mover means a person who is licensed, bonded and authorized by the PCCLB to engage in the business of building moving within the County.

Height means the height of the building from the grade of the street to the highest point of the building, when loaded on moving equipment.

Immediate neighborhood means an area directly affected by the building and lot to which a building is proposed to be moved, and shall include every parcel of property within two hundred (200) feet in every direction from the lot to which a building is proposed to be moved.

Length means the overall length of the main body of the building, including eaves and other projections.

Lot means a parcel of land,

Size means the square footage of a building, computed as the total floor area of all stories or floors finished; this area includes bays and dormers but does not include space in garages, carports, attics, breezeways, porches or screened enclosures. Measurements shall be taken to the outside of exterior walls.

Value means the value shown on the County Tax records or as determined by a licensed real estate appraiser.

Width means the overall width of the main body of the building, including eaves and other projections.

Sec. 8-452. Declaration of purpose and necessity.

This article is declared to be necessary to protect public property inclusive of streets and alleys and public facilities and utilities enjoying use of public property and to protect against possible damages to private property and persons enjoying use of public property. It is further declared to be necessary to protect the value of lands and improvements which may be located thereon within the vicinity of the lot to which a building is proposed to be relocated, and is further declared to be necessary to protect the community appearance as it relates to the values of life and as it relates to the basic economy of the City which is dependent to a large degree upon its appearance in order to preserve and maintain the health, safety, convenience, order and welfare of the citizens, residents and visitors to the City.

Sec. 8-453. (Reserved)

Sec. 8-455. Designation of routes for moving.

(a) Upon the filing of an application for a permit required by this article, the POD shall contact affected utilities and City departments concerning the route set forth in the application. On applications involving a County or State highway route, the

Deleted: , and used for residential, business, mercantile, storage, commercial, educational, industrial, institutional, assembly or recreational purposes

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Deleted: , which may consist of:

Deleted: (1) . A combination of complete lots of record.¶
(2) . A combination of complete lots of record and portions of lots of record.¶
(3) . Portions of lots of record; provided that such lots or combinations of lots are of sufficient size to meet the requirements of chapter 29 for the district in which they are located and no such portion falls below the average size of the lots of record in the block in question.¶
(4) . Single lots of record.¶
(5) . Parcels of land defined by metes and bounds descriptions, where such parcels are in conformity with the provisions of this Code and other ordinances of the City.¶

Deleted: ;¶
(1) . *Single-family house*: ¶

Deleted: as living accommodations

Deleted: (2) . *Other than single-family houses*: The square footage of a building computed as the total floor area of all stories or floors. Measurements shall be taken to the outside of exterior walls.¶

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Deleted: of individual property cards, which cards being on file in the County Courthouse

Deleted: Cross references: Definitions and rules of construction generally, § 1-2.¶

Deleted: There is hereby created and established by this article a building moving law and procedure for the City, inclusive of standards to regulate such activity; this

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Deleted: Duties of the applicant generally.¶
The duties of the applicant under this article shall be as follows:¶ ... [17]

Deleted: Sec. 8-454. Maximum size of building which may be moved.¶ ... [18]

Deleted: confer with Florida Power Corporation and the various affected City departments including, b¶ ... [19]

building mover shall notify the appropriate departments of those governments and provide written proof of notification to the POD and provide any written comments from those governments to the POD.

- (b) The POD may, upon compliance with subsection (a) of this section, either approve the requested route or designate a route over which the building is to be moved. It shall be unlawful for any person to move or cause to be moved any building over or upon any street or alley of the City without a permit which approves the route.

- Deleted:** City Manager
- Deleted:** City Manager
- Deleted:** All moving shall be confined as closely as possible to designated routes shown on a map which is on file in the office of the Clerk of the City Council.
- Deleted:** City Manager
- Deleted:** authorize the route as outlined in the application for a moving permit required by this article
- Deleted:** in a route other than that designated, unless during the moving process it is found necessary to make a change, which the City Manager may then authorize.
- Deleted:** , which area is otherwise known as the "central core,"

Sec. 8-456. Hours for moving.

A building may be moved in the City at all hours on any day, except as follows:

- (1) All moving in the area bounded by Fifth Avenue North and Fifth Avenue South, between Sixteenth Street and Tampa Bay, shall be limited to those hours between 6:00 p.m. and 6:00 a.m.
- (2) No building shall be moved on City streets or alleys between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m. in order to keep the streets clear for necessary traffic movement during the hours of heaviest traffic flow.

Sec. 8-457. Lights.

- (a) While being moved, the building shall have lights continuously burning between sunset and sunrise for the protection of the public.
- (b) There shall be a minimum of five (5) red lights placed on each street side of the building, which shall be attached to indicate the extreme width, height and size. There shall also be three blinking red lights attached to the rear of the building which shall be capable of being seen at least three hundred (300) feet away.

- Deleted:** Each
- Deleted:** which occupies any portion of public property after sundown
- Deleted:** sufficient
- Deleted:** red lights
- Deleted:** to the building in such a fashion as
- Deleted:** (c) . Whether in motion or not in motion and when parked on City streets or alleys, there shall be placed, in addition to the red lights on the building required by subsection (b) of this section, flares or blinkers at regular intervals for a distance of 200 feet to both the front and rear of the building for the protection of the motoring public.¶

Sec. 8-458. Escort.

The building mover, at his expense, shall provide two escort vehicles equipped with flashing lights; one moving along in front of the building being moved and the other following. When more than 50 percent of the street, measured between curbs, is occupied at night (thirty (30) minutes after dusk and thirty (30) minutes before dawn) by the building, or when in the opinion of the POD, flagmen are necessary to divert or caution traffic, building mover shall employ at their expense, at least two flagmen, at the next street intersection beyond the building during the move.

- Deleted:** Director of the Housing and Construction Services Department
- Deleted:** the owner or person moving such building
- Deleted:** each
- Deleted:** Such flagmen shall remain at these intersections diverting or cautioning traffic from sunset to sunrise. Red lights shall be employed in flagging traffic at night.
- Deleted:** , part of any building or other structure
- Deleted:** -in the manner prescribed in this division

DIVISION 2. MOVING BUILDING PERMITS

Sec. 8-471. Required.

No person shall move or cause to be moved over or across the public streets or alleys of the City any building, without first having obtained a moving building permit therefore.

Sec. 8-472. Application.

(a) Any person desiring a moving building permit shall apply to the POD. The application shall set forth the following information:

- (1) A legal description of the lot from which the building is to be removed, including the street address, city, county and state, and proof of ownership thereof or a copy of a contract for the purchase of the building thereon, and if a building mover, a copy of the written agreement with the owner for the moving of the building.
- (2) If the lot to which the building is to be moved is within the City, a legal description of the lot to which the building is to be relocated, including the street address, and proof of ownership thereof or a copy of a contract for the purchase or lease thereof and a copy of any recorded restrictive covenants on the lot.
- (3) If the lot to which the building is to be moved is within the City, a sealed survey of the new property less than six months old and a site plan of the new property showing the following:
 - a. The location of any existing buildings and other possible structures.
 - b. The location of the building to be moved onto the lot.
 - c. The setback dimensions from all property lines.
 - d. The sidewalks and curb lowering.
 - e. A flood elevation certificate, if the building is to be relocated within a floodplain district. Such certificate shall verify that the lowest floor of the building to be moved will be in compliance with City code when anchored on property to which the building is proposed to be moved.
- (4) The route and names of highways, streets and alleys over which the building is proposed to be moved.
- (5) The application shall be accompanied by evidence that the building and the lot from which it is to be removed, if in the City, are free from all taxes and any City liens and charges against the building and lot are paid in full.
- (6) A description of the building proposed to be moved, including the size, height, length, width, type of exterior wall construction material, type of exterior roof construction material, number of rooms, types of rooms, condition of the exterior and the interior, value and number of stories.
- (7) A photograph showing the front view of the building shall be attached to the application and a photograph showing the front view of the lot to which the building is to be moved.
- (8) The application for the moving permit shall be accompanied by an application for a building permit, accompanied by complete signed by the owner or the owner's agent.

(b) Written and posted notice as set forth in Chapter 16, as amended shall be

Deleted: required by this division shall first make application therefor
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Deleted: If the lot to which the building is to be moved is within the City, the application shall be accompanied by a signed statement, specifying that the owner or leaseholder of the lot to which the building is proposed to be relocated has contracted with the applicant to permit the building on his lot. Prior to the actual date for moving, proof of ownership or leasehold by one person of both the building and the lot to which it is to be relocated shall be filed.¶
 (6) If the building is occupied, the application shall be accompanied by a signed statement by the owner of the building, assuring that tenants will be given at least

Deleted: thirty (30)
Deleted: days notice of dislocation intent and assuring that any tenants will be removed from the building under terms of prevailing State laws prior to the date on which the building is scheduled to begin being moved.¶
 (7) -

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Deleted: 10
Deleted: plans and specifications showing the changes or conditions of such house, building or structure as the same is proposed to be when moving, and all contemplated improvement,

provided with respect to the lot the building is being moved to if it is in the City.

- (c) The City shall not issue a moving building permit to move a building for at least ten (10) days after the date the notices required by this section are mailed.
- (d) The application for the moving building permit shall be reviewed in conjunction with Chapter 16, as amended, for applicable zoning and design standards.

Sec. 8-473. Fees.

Fees are set forth in Chapter 12, City Code as amended.

Sec. 8-474. Applicant's bonds.

- (a) The applicant, prior to issuance of a moving building permit required by this division, may be required to file a surety bond, or deposit in escrow a cashier's check, a certified check, cash or a construction loan agreement with an acceptable lending institution, providing for payment to the City in the event of default by the applicant, equal to 100 percent of the total cost of improvements required at the lot to which the building is to be relocated, as estimated by the POD, including such items as street improvements, sidewalks and landscaping as may be required.
- (b) The applicant, prior to issuance of the moving building permit required by this division, shall deposit with the City a sum of money equal to twice the amount of the POD's estimate of the costs that will be incurred by the City.

Sec. 8-475. Building mover's bonds.

- (a) Prior to the issuance of a moving building permit, a building mover shall deliver to the POD a bond in the sum of \$50,000.00 with corporate surety to be approved by the City Attorney. The bond shall be made payable to the City and shall indemnify the City against any damage caused by the moving of a building. The surety bond shall also be conditional upon and liable for strict compliance with the terms of the moving building permit as to the route to be taken and the limit of time in which to effect the move and to repair or compensate for the repair and to pay the City as liquidated damages an amount of \$100.00 for each and every day's delay in completing the move or in repairing any damage to property or public improvements or in cleaning all public streets and alleys of all debris occasioned thereby.
- (b) In lieu of the bond required by subsection (a) the building mover may post an annual bond in the sum of \$50,000.00 to meet the bond requirements.

Sec. 8-476. Grounds for denial of permit.

The application for a permit shall be denied if:

- (1) The moving of the building will cause serious injury to persons or property or serious injury to the streets or other public improvements.
- (2) The building to be moved has suffered deterioration of more than fifty

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(50) percent, by fire or other elements, of its fair market value as determined by the current Pinellas County Property Appraiser or a certified appraisal issued within six (6) months prior to the application date.

- (3) The building to be moved cannot reasonably be expected to comply with the building code, (at the time of original construction and any new requirements for installation) and all other City Codes.

Sec. 8-477. Reapplication upon denial.

Any applicant applying for a moving building permit that is denied shall not apply for a permit for six (6) months from the date of the original application for the same building to be relocated to the same location.

Sec. 8-478. Conditions upon issuance.

(a) If the move is into or within the City, conditions of the moving building permit pursuant to this division if, conditions of the moving building permit shall be that:

- (1) All applicable provisions of this building code and other City ordinances shall be met by the relocated building unless a variance was approved. The compliance must be certified prior to the issuance of a certificate of occupancy.
- (2) Compliance with all applicable provisions of the City Code shall be met within ninety (90) days from the date of completion of the building move.
- (3) A lot within the City from which a building has been moved shall be seeded with grass seed or sodded within five (5) days from the date of completion of the building move.
- (4) Curbs and sidewalks shall be restored to their original condition and driveways removed, if applicable.

Sec. 8-479. Notice of issuance; when move may commence.

The applicant shall send copies of moving building permits to utility companies of the area to City, County and State governments in the event the route is over or upon any street in their system.

Sec. 8-480. Time within which move is to be made.

Any applicant whose application for a moving building permit is granted shall move the building within ninety (90) days from the date of issuance of the permit, unless a greater period of time is specified in the application and approved by the POD or the permit shall be null and void.

DIVISION 3. BUILDING MOVERS*

Sec. 8-491. Business Tax Certificate and Contractor's License required.

- Deleted:** original
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- Deleted:** , plumbing code, electrical code
- Deleted:** construction
- Deleted:** (b) . The City Manager shall determine whether the relocation site is situate within the confines of an historic district as defined in chapter 16, article VIII, division 4.¶
- (1) In the event it is so determined that the relocation site is in whole or in part so situated, the City Manager shall thereupon determine whether the structure sought to be relocated will upon relocation compatibly conform to the intents and purposes expressed in section 16-552.¶
- (2) . In the event the City Manager determines that the relocated structure above-cited will not substantially comply with such provisions of this Code, a permit shall be denied.¶
- (3) . The City Manager may choose to refer the determinations set forth in subsections (1) and (2) of this subsection, to the Board of Adjustment for action in accordance herewith.¶
- (c) . The City Manager may choose to refer to the Board of Adjustme... [30]
- Deleted:** Any application for a moving permit required by this ... [31]
- Deleted:** The City Manager shall make the following stipulations as a
- Deleted:** issuing a
- Deleted:** this Code
- Deleted:** by the Board of Adjustment prior to application for the permit.
- Deleted:** All required code compliances referred to in this article
- Deleted:** a period of
- Deleted:** The lot from which the building was moved shall corr... [32]
- Deleted:** (b) . The City Manager shall consider the character of the ... [33]
- Deleted:** Copies of, or a notice of,
- Deleted:** issued pursuant to this division, including details on th... [34]
- Deleted:** for such facilities as street lighting, electric wires, telepho... [35]
- Deleted:** and to other municipalities or counties if within 30 miles c... [36]
- Deleted:** required by this division
- Deleted:** City
- Deleted:** Occupational license

No person shall engage in the business of moving buildings in the City unless he shall first have an unexpired business tax certificate and an appropriate contractor's license.

Sec. 8-492. Duties generally.

The duties of a building mover shall be as follows:

- (1) To strictly adhere to all of the provisions of this chapter.
- (2) To notify the POD of any desired change in the moving date and hours as such items appear on the application for a moving permit.
- (3) To notify the POD of the date upon which the building move was completed and of any and all damage done to property within twenty four (24) hours after the damage or injury has occurred or the move was completed.
- (4) To remove all rubbish and materials and fill all excavations at the original building site, so that the premises are left in a safe and sanitary condition, within five (5) days from the date upon which the building move was completed.
- (5) To plug the sewer line with a concrete stopper and call for an inspection of the stopper within five (5) days from the date upon which the building move was completed.
- (6) To have the water shut off and the water meter disconnected prior to moving the building.
- (7) To notify all utility companies to remove their services from the original building site prior to moving the building.
- (8) To notify the POD that all utilities have been disconnected prior to the moving the building.

Sec. 8-493. Appeals of decisions to deny building moving permits.

Any building mover aggrieved by a decision relative to denial of a moving building permit required by this article shall have the right to appeal such action to the Community Preservation Commission, or any successor commission that performs substantially the same duties, pursuant to the appeal procedures in Chapter 16.

Section 10. The provisions of this ordinance shall be deemed to be severable. If any provision of this ordinance is determined unconstitutional or otherwise invalid, such determination shall not affect the validity of any other provisions of this ordinance.

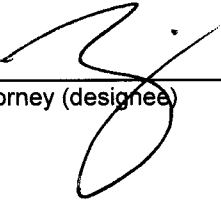
Section 11. Except for sections of this ordinance which create new City Code sections, words which are underlined shall be added and words which are in margin balloons shall be deleted from the existing City Code.

Section 12. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective after the fifth business day after adoption

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- Deleted:** as required by chapter 17, article IV, which license shall be in good standing
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- Deleted:** within ten days from the date of the action from which an appeal is sought. The appeal shall point out specific sections of this article by which the aggrieved building mover believes the denial of the permit violates the provisions of this article.¶
- (b) The Board shall be guided in its deliberations by the terms and conditions of this article. In reviewing factors and standards involving judgment, the Board may receive any competent evidence to assist it in making its determination. The Board shall only grant a variance to any of the requirements of this article when, in the determination of the Board, the building to be moved will be compatible with the immediate neighborhood of the proposed relocation and the relocation § ... [37]

unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall take effect immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Approved as to form and content:



City Attorney (designee)

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